

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC W. WRIGHT,

Plaintiff,

v.

Case Number 10-13554

Honorable David M. Lawson

Magistrate Judge R. Steven Whalen

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, GRANTING
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, AND REMANDING CASE
TO COMMISSIONER FOR FURTHER CONSIDERATION**

Presently before the Court is the report issued on July 26, 2011 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that this Court deny the defendant's motion for summary judgment, grant the plaintiff's motion for summary judgment, reverse the findings of the Commissioner, and remand the case. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. # 17] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #16] is **DENIED**.

It is further **ORDERED** that the plaintiffs' motion for summary judgment [dkt. #10] is **GRANTED**.

It is further **ORDERED** that the findings of the Commissioner are **REVERSED** and the case is **REMANDED** to the Commissioner for further consideration.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 16, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 16, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL